

# Notice of Allowability

Application No.

09/759,205

Examiner

Luke Gilligan

Applicant(s)

ROVINELLI ET AL

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/08/04.
2. ☒ The allowed claim(s) is/are 2-43, 46-48 and 52-66.
3. ☒ The drawings filed on 16 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**JOSEPH THOMAS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

***Response to Amendment***

1. In the amendment filed 12/8/04, the following changes have occurred: claims 39, 40, 41, 46, 47, and 52 have been amended. Now, claims 2-43, 46-48, and 52-66 are presented for examination.

***Allowable Subject Matter***

2. Claims 2-43, 46-48, and 52-66 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The primary reasons for the allowance of claims 37 and 47-48 is the inclusion of the limitation, in all the claims which is not found in the prior art references, of dynamically generating a patient history, within a patient simulation system, in response to the profile of a user who is being evaluated on the basis of at least one intervention input by the user embodied in a system and method. While the closest prior art (Harless, U.S. Patent No. 5,006,978) teaches patient simulation and evaluation of the user interactions, it fails to teach dynamically generating a patient history on the basis of the user's profile embodied in a method and system.

3. The primary reasons for the allowance of claim 52 is the inclusion of the limitation, in the claim which is not found in the prior art references, of dynamically generating a history, based on a dynamically generated problem environment, in response to the profile of a user who is being evaluated on the basis of medical advice given by the user. While the closest prior art (Harless, U.S. Patent No. 5,006,978) teaches patient simulation and evaluation of the user interactions, it fails to teach a method of dynamically generating a patient history on the basis of the user's profile.

4. Additionally, the primary reasons for the allowance of claims 2-36, 38-43, 46, and 53-66 is the inclusion of the limitation which is not found in the prior art references of dynamically

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generating a patient history, within a patient simulation system, in response to a test area, which is responsive to the profile of a user who is being evaluated on the basis of at least one intervention input by the user. While the closest prior art (Harless, U.S. Patent No. 5,006,978) teaches patient simulation and evaluation of the user interactions, it fails to teach a method that dynamically generates a patient history on the basis of a test area which is based on the user's profile.

5. In addition, it should be noted that the Examiner is interpreting the term "dynamically generating" as recited in the claims to require the use of a computer as supported by the specification (see pages 127-130). Therefore, the claims advance the technological arts and are directed to statutory subject matter. If Applicants' disagree with the Examiners' interpretation, comments should be submitted in the "Comments on Statement of Reasons for Allowance."

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Kerr teaches a system that generates user interfaces that are specifically tailored to the current user.


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (703) 308-6104. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CLG  
12/09/04

  
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